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## ESSAY

## My Way

By William Safire

WASHINGTON, Oct. 12 — Nothing is more maddening to some public figures than a muckraker on their trail. Business and political associates, old enemies and embarrassing former friends all call to say how nasty the questions were and how loyal they were in answering them. A haunted, hunted look comes across the face of the proud and powerful; it seems that there is nothing that money and influence, or lawyers and press agents, can do to shoo the intruder away.

Frank Sinatra thinks he has the answer.

Kitty Kelley, an author who has written two lip-smackingly gossipy best sellers — "Jackie Oh!" about Mrs. Onassis, and a biography of Elizabeth Taylor — approached Mr. Sinatra's lawyer, Milton Rudin, about an interview for a book she is writing about the famous crooner and friend of Presidents.

Mr. Rudin is evidently familiar with the limitations of libel law, which require publication before a suit can be started. So he came up with a fresh approach.

Frank Sinatra has sued Miss Kelley, alleging first that she pretended she had the singer's authorization to write his biography. She vigorously denies this, pointing out that she has made a reputation as one who writes the most unauthorized type of biography. But that first cause of action is for a measly \$10,000; the heart of the suit seeks punitive damages for \$2 million for the reporter's "misappropriation of name and likeness for commercial purposes."

In other words, the Sinatra "story" belongs only to Sinatra; his suit seems to me to argue that nobody else can write his life story without his permission. If that legal theory were sound, farewell to the First Amendment; fortunately, Howard Hughes lost that argument in 1966.

Somewhere, some judge will throw this private attempt at prior restraint out of court. The decision against the reclusive Mr. Hughes established that nobody's "life" is his own. But here is what such legal maneuvering does:

First, it sends the word out to everyone who has known or done business with Mr. Sinatra that he frowns on cooperation with Miss Kelley's research in any way. Curiously, the California complaint was made public in Hollywood; no copy of the complaint was mailed to Miss Kelley or served on her in Washington D.C., where the Sinatra lawyers must know she lives.

More important, the Sinatra suit suggests to people of wealth and power a new way to harass journalists: Before you can drag me into print I'll drag you into court. Miss Kelley is hardly an impoverished writer — her guarantee from Bantam Books on this project is \$1.5 million — and her publisher is considering ways to give her "more than moral support" in the pre-publication legal battles. But the Sinatra technique, if not quickly rebutted in court and derided in print, would show others how to generate enough legal expenses to close down any small paper or magazine or broadcaster that dared to take on the powers that be.

And a power he is: the Voice still echoes in Presidential history. According to the undisputed account of Judith Campbell Exner, it was Mr. Sinatra who introduced her to John F. Kennedy on the eve of the New Hampshire primary in 1960; weeks later, it was Mr. Sinatra who introduced her to his friend Sam (Momo) Giancana, the Chicago gangland leader. Her subsequent dual affair with the nation's most powerful mobster and most powerful political leader caused the Director of the F.B.I. to go to the Oval Office to sever this incredible connection.

That's history, not gossip; I know of one distinguished historian who is trying to get the Government files on this possible penetration of the White House by organized crime. Mr. Sinatra's friendship with Mr. Giancana caused the Nevada Gambling Commission to turn down the singer's application for a casino license in 1963; it was Mr. Giancana who was chosen by the C.I.A. at that time to help assassinate Fidel Castro, and it was the same mobster who was murdered in 1975 just before a scheduled appearance before Senate investigators.

Now in his late 60's, Frank Sinatra seeks respectability. He has been given a clean bill of health by Nevada's gambling overseers. He has contributed his talents to charity, has filled the coffers of politicians of both parties at fund-raisers, has sung at the Reagan inaugural, and has donated \$10,000 to redecorate the Reagans' living quarters in the White House.

Only one obstacle remains: the damnable habit of gossip-mongers, muckrakers and historians of examining his past. To obliterate that obstacle to respectability, he presumes to use the courts to intimidate the chroniclers of his life; in so doing, he displays the embittered arrogance of a man obsessed.